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EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 5th December, 1957 :

BILL No. 93 OF 1957

A Bill to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of Parliament.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Parliament (Prevention of Disqualification) Act, 1957. Short title and commencement.

5 (2) It shall come into force on the 1st day of January, 1958.

2. It is hereby declared that none of the following offices, in so far as it is an office of profit under the Government of India or the Government of any State, shall disqualify the holder thereof for being chosen as, or for being, a member of Parliament, namely:—

10 (a) any office held by a Minister for the Union or for any State, whether *ex officio* or by name;

(b) the office of the Chief Whip or a Deputy Chief Whip in Parliament or of a Parliamentary Secretary;

31 of 1948. 15
56 of 1948.
62 of 1952.

(c) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948, or the Reserve and Auxiliary Air Forces Act, 1952;

(d) the office of a member of a Home Guard constituted under any law for the time being in force in any State;

(e) the office of sheriff in the city of Bombay, Calcutta or Madras;

(f) the office of Vice-Chancellor of a University or of chair- 5
man or member of the syndicate, senate, executive committee, council, court or any other body connected with a University;

(g) the office of member of any delegation or mission sent outside India by the Government for any special purpose;

(h) the office of—

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(i) chairman, director or member of a statutory body other than a body connected with a University, unless the law by or under which the statutory body is established otherwise expressly provides, or

(ii) chairman or member of a non-statutory body other 15
than any such body as is referred to in clause (g), or

(iii) an adviser created temporarily for the purpose of advising the Government or any other authority on any matter of public importance,

where the holder of such office is not entitled to any remunera- 20
tion other than compensatory allowance;

(i) the office of village revenue officer, such as *lambardar*, *malguzar*, *patel*, *deshmukh* and the like, who is remunerated by a share of, or commission on, the amount of land revenue collect- 25
ed by him;

(j) any part-time office which does not disqualify the holder thereof for being chosen as, or for being, a member of the Legislature of the State which, or a territorial constituency in which, he represents in Parliament;

Explanation.—For the purposes of clause (h),—

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(i) "statutory body" means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force;

(ii) "non-statutory body" means any body of persons 35
other than a statutory body; and

30 of 1954. 5

(iii) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance (such allowance not exceeding the amount of daily allowance to which a member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954), conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.

19 of 1950. 10 68 of 1951. 1 1 of 1954. 3. The Parliament (Prevention of Disqualification) Act, 1950, the ^{Repeals.} Parliament (Prevention of Disqualification) Act, 1951, and the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, are hereby repealed.

STATEMENT OF OBJECTS AND REASONS

Article 102 (1) (a) of the Constitution provides that a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament if he holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder. In pursuance of this article, Parliament has passed three Acts, namely, the Parliament (Prevention of Disqualification) Act, 1950, the Parliament (Prevention of Disqualification) Act, 1951, and the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953.

The Act of 1951 exempted certain offices for specified periods which have expired and the Act is thus spent. The Act of 1950 and section 3 of the Act of 1953 exempted permanently the offices of—

- (i) Ministers of State and Deputy Ministers,
- (ii) Parliamentary Secretaries and Parliamentary Under Secretaries,
- (iii) Deputy Chief Whips in Parliament,
- (iv) Vice-Chancellors of Universities,
- (v) Officers in the National Cadet Corps and the Territorial Army, and
- (vi) the Chairmen and members of Advisory Committees set up by the Government when they are not entitled to any fee or remuneration other than compensatory allowance.

Section 4 of the Act of 1953 further exempted for a temporary period—

- (i) the offices of Chairman and member of any other Committee set up by the Government, whether under a statute or by executive order, and
- (ii) the offices of Chairman, director, member and officer of any statutory body, where the power to make the appointment or the power to remove the person from the office is vested in the Government.

It was even then recognised that the last mentioned exemptions were very wide in scope, and consequently their operation was limited to a short period which is due to expire on the 31st December, 1957.

This Bill seeks to repeal the three existing Acts and to replace them by a consolidated and permanent measure. It takes into account the recommendations made by the Joint Committee of Parliament under the chairmanship of Pandit Thakurdas Bhargava which submitted its report in October, 1955. While most of the recommendations of this Committee have been given effect to in the Bill, it has not been found practicable "to have schedules enumerating in detail the different offices which do not incur disqualification, offices for which exemption has to be granted and offices which would disqualify members". Clause 2 of the Bill lists ten different categories of offices the holding of which would not disqualify for membership of Parliament.

NEW DELHI;

A. K. SEN.

The 28th November, 1957.

BILL NO. 95 OF 1957

A Bill to continue the Preventive Detention Act, 1950, for a further period.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Preventive Detention (Continuance) Act, 1957. Short title.
2. In sub-section (3) of section 1 of the Preventive Detention Act, 1950, for the figures, letters and words “31st day of December, 1957”, Amendment of section 1, the figures, letters and words “31st day of December, 1960” shall be substituted. Act 4 of 1950.

STATEMENT OF OBJECTS AND REASONS

The Preventive Detention Act, 1950, is due to expire on the 31st December, 1957. Experience has shown that it is essential that the powers conferred by the Preventive Detention Act should be continued for a further period of three years. The Bill is meant to achieve this object.

G. B. PANT.

NEW DELHI;

The 2nd December, 1957.

M. N. KAUL,

Secretary.

